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09/431,566	10/29/1999	LAURENCE WAYNE CLARKSON	7000-044	8874

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EXAMINER	
PHAM, HUNG Q	

ART UNIT	PAPER NUMBER
2172	22

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/431,566	CLARKSON ET AL.	
	Examiner	Art Unit	
	HUNG Q PHAM	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *47-72* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *47,49-60 and 62-72* is/are rejected.

7)☒ Claim(s) *48 and 61* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *19 & 21* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 47-70 have been considered but are moot in view of the new ground(s) of rejection. The pending claims are 47-72.

Claim Objections

2. Claim 72 is objected to because of the following informalities: ***audio package builder/export tool constructs ~~and~~ the index file as a distinctive data structure.*** Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 47-48, 50-61, and 63-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inniss et al. [USP 5,539,808] in view of Kanevsky et al. [USP 6,434,520 B1] and Fenton [USP 6,445,697 B1].

Regarding to claims 47 and 59, Inniss teaches a method and system for enhancing the processing of audio messages (Inniss, Abstract). As shown in FIG. 2 is the process of creating a selectable audio message such as a spoken salutation, which identifies the originator and his or her telephone number or address. At the end of the process, illustrated by block 46, an audio message with associated attributes could be created by a user to update the user's configuration repository (Inniss, Col. 4, lines 1-61), which indicates ***a centralized database comprising a plurality of audio segments, said audio segments comprising announcements to be played to the end user of the telecommunication network***. As shown in FIG. 3 is the process of creating and distributing of a primary message as ***an audio package*** in association with a designated selected audio message as ***audio segments***. At block 56, a user designates selectable audio messages from configuration repository to append to primary audio message, and the designated selectable audio messages are appended to primary audio message at step 60. The process then passes to block 66, which depicts a distribution of a data stream, which includes the primary message, the designated selectable audio messages and

the digital representation (Inniss, Col. 4, line 62-Col. 6, line 6). As seen, the process of distributing the primary message appended by designated selectable audio messages performed the claimed ***an audio package builder/export tool adapted to access the centralized database; construct an audio package from audio segments in the centralized database; and export the audio package***. Inniss does not explicitly teach the step of ***constructing an index file within the audio package that indicates to the gateway where in the audio package an audio segment may be located*** and ***a gateway*** is the recipient of the audio message.

Kanevsky teaches a system and method for indexing segments of audio file and data stream by receiving an audio file then indexing the audio file based on background or channel (Kanevsky, FIG. 2A, steps 200, 203 and 204). The segments and indexing information are stored as in FIG. 2B steps 211-213. The purpose of index information is to locate the audio segment (Kanevsky, FIG. 4A).

Fenton teaches a method and system of communication of audio signals between a circuit-switched telephone network and a packet-switched data network. As shown in Fenton FIG. 1-2, gateway 20 communicates with both a circuit-switched network 22 and a packet-switched network 24. For the audio packets received from packet-switched network 24, the gateway assembles the audio packets into a data stream, decompresses the data stream, and outputs the decompressed data stream onto phone network 22 (Fenton, Col. 4, lines 6-14; Col. 2, lines 9-25).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by indexing the

primary message appended by designated selectable audio messages to create an index file for locating the audio messages and sending the audio data to a gateway, and by doing this, an audio message could be searched, retrieved by a recipient in a circuit-switched telephone network.

Regarding to claims 50 and 63, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Fenton further disclose: ***audio package bolder/export tool exports the audio package to the gateway over a packet based network*** (Fenton, FIG. 2; Col. 4, lines 6-14; Col. 2, lines 9-25).

Regarding to claim 51, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claim 47, Inniss does not explicitly disclose: ***the system is adapted to operate on a provisioning server***. However, as shown in FIGS. 1-2, computer 12 is designated to receive and transmit audio messages to recipient at another location within network 18. This indicates a provisioning server. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss and Fenton system and method by using computer 12 as a provisioning server in order to transmit audio messages to recipient at another location.

Regarding to claims 52 and 64, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: ***audio segments comprises a unique audio identifier*** (Inniss, FIG. 6, Col. 9).

Regarding to claims 53 and 65, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: ***audio package builder/export tool is further adapted to present a graphical user interface to a user such that the user may select audio segments to be placed in the audio package*** (Inniss, FIG. 6, Col. 9).

Regarding to claims 54 and 66, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses ***audio segments file comprises a subset of the audio segments in the centralized database*** (Inniss, FIG. 6).

Regarding to claims 55 and 67, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses the technique of ***adding audio segments to the audio package*** (FIG. 3). Inniss does not teach the technique of ***deleting audio segments from the audio package; and locking the audio package***. However, deleing and locking a file is a well-known technique in the art as in the Window 95 file system. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss system and method by including the technique of deleting and locking audio segments from the audio package in order to have a user-friendly system.

Regarding to claims 56 and 68, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: ***audio package builder/export tool is further adapted to track a version number of any audio packages created with the audio package builder/export tool*** (Inniss, Col. 5, lines 35-53).

Regarding to claims 57 and 69, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: ***audio package builder/export tool is further adapted to export the audio package to the gateway by preliminarily exporting the audio package to an intermediary storage location within a provisioning server*** (Inniss, Col. 5, lines 35-53).

Regarding to claims 58 and 70, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, Inniss further discloses: ***audio package builder/export tool is further adapted to export the audio package to the gateway by exporting the audio package to a portable computer readable storage medium*** (Inniss, FIG. 1).

Regarding to claim 60, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claim 59, Inniss further discloses the step of ***provisioning the centralized database with audio segment*** (Inniss, FIG. 2).

Regarding to claim 71, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claim 47, Inniss further discloses the steps of ***presenting the audio segments within the audio package to end users*** (Innis, Col. 9, lines 39-52).

Regarding to claim 72, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claim 47, but does not explicitly teach ***the index file is a distinctive data structure within the audio package***. However, as taught by Kanevsky, a segment is located based on the search over the indexed parameters as in FIG. 2 (FIG. 4A), and this implies the indexed parameters are stored in a different table or file or in other words, the index file is a distinctive data structure.

5. Claims 49 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inniss et al. [USP 5,539,808] in view of Kanevsky et al. [USP 6,434,520 B1], Fenton [USP 6,445,697 B1] and Baber et al. [USP 6,279,041 B1].

Regarding to claims 49 and 62, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, but fails to disclose: ***index file is adapted to map audio identifier of the audio segment to an offset and length of the audio segment within the audio package***. Baber teaches a method of communication between devices over a network and further discloses ***index file is adapted to map identifier of the segment to an offset and length of the segment***. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Inniss

and Fenton method by mapping an audio identifier of the audio segment to an offset and length of the segment in order to search and retrieve indexed information in an index file.

Allowable Subject Matter

6. Claims 48 and 61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding to claims 48 and 61, Inniss, Kanevsky and Fenton teaches all the claimed subject matters as discussed in claims 47 and 59, but fail to teach or suggest ***a catalog file within the audio package, said catalog file comprising information selected from the group consisting of: announcement title, phrasing, prompt text, voice talent, language, code, format, group, release notes, check data, and date recorded.***

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 703-605-4242. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Examiner Hung Pham
December 30, 2003

SHAHID ALAM
PRIMARY EXAMINER